

13 FEB 2006

To:

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PCT

WRITTEN OPINION OF THE
INTERNATIONAL PRELIMINARY
EXAMINING AUTHORITY

(PCT Rule 66)

Date of mailing
(day/month/year)

10-02-2006

Applicant's or agent's file reference

E38610 JFL/JOB

REPLY DUE

within 60 days from
the above date of mailing

International application No.

PCT/NO2005/000083

International filing date (day/month/year)

07-03-2005

Priority date (day/month/year)

11-03-2004

International Patent Classification (IPC) or both national classification and IPC

See Supplemental Box

Applicant

TOMRA SYSTEMS ASA et al

1. ☒ The written opinion established by the International Searching Authority:
☒ is ☐ is not
considered to be a written opinion of the International Preliminary Examining Authority.
2. This second (first, etc.) opinion contains indications relating to the following items:
- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application |
3. The applicant is hereby **invited to reply** to this opinion.
- When?** See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(e).
- How?** By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.
- Also** For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4*bis*.
For an informal communication with the examiner, see Rule 66.6.
For an additional opportunity to submit amendments, see Rule 66.4.
- If no reply is filed**, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary report on patentability (Chapter II of the PCT) must be established according to Rule 69.2 is: 11-07-2006

Name and mailing address of the IPEA/SE

Patent- och registreringsverket
Box 5055
S-102 42 STOCKHOLM

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Authorized officer

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**WRITTEN OPINION OF THE
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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of: **Cover sheet**

INTERNATIONAL PATENT CLASSIFICATION (IPC) :

B65G 47/40 (2006.01)

B07C 5/34 (2006.01)

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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

- ☐ the international application in the language in which it was filed
- ☐ a translation of the international application into _____,
which is the language of a translation furnished for the purposes of:
- ☐ international search (Rules 12.3(a) and 23.1(b))
- ☐ publication of the international application (Rule 12.4(a))
- ☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this opinion has been established on the basis of *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed.")*:

- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1 - 8 _____ as originally filed/furnished
- pages _____ received by this Authority on _____
- pages _____ received by this Authority on _____
- ☒ the claims:
- pages _____ as originally filed/furnished
- pages _____ as amended (together with any statement) under Article 19
- pages 1 - 5 _____ received by this Authority on 05-10-2005
- pages _____ received by this Authority on _____
- ☒ the drawings:
- pages 1 - 14 _____ as originally filed/furnished
- pages _____ received by this Authority on _____
- pages _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

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Box No. V **Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	<u>1, 9</u>
	Claims	_____
Inventive step (IS)	Claims	<u>1-7, 9-12, 14-18</u>
	Claims	_____
Industrial applicability (IA)	Claims	_____
	Claims	_____

2. Citations and explanations:

Reference is made to the following document/documents:

D1: EP 0 212 858 A1

D2: DE 43 29 193 A1

D3: US 5 628 08 A

D4: JP 7-185 476 A

D5: JP 10-000 434 A

The application pertains to a method and a device for individually transporting articles of different type, size, weight, material or shape, to one delivery location of a plurality of delivery locations that is designated for the respective article. This is achieved using an endless bucket conveyor where articles are placed one by one in the buckets and thus transferred to its designated unloading station. Prior to being placed in the bucket the article is identified at least as regards its material type.

D2 shows a method for individually transporting articles of different material to one delivery location of a plurality of delivery locations that is designated for the respective article. The method comprises the steps of identifying each article as regards its type of material, placing the identified articles one by one in a respective one of a plurality of transport containers to yield only one article per container, and causing the respective article at its designated delivery location to be discharged from its transport container to a collecting or storage bin dedicated to the article.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX V

The discharge of the article from the container is made with the aid of a separate, controlled actuating means. The identified articles are empty bottles. Subject matter claimed in claims 1 and 9 do not differ from what is shown in D2 and the claims therefore lack novelty.

D1 is considered to be the closest prior art. It shows a device and method for individually transporting articles to different unloading stations. This is done by placing the articles in respective transport containers and causing a respective article at a desired, respective delivery location to be transferred from its transport container to a collecting or storage bin, disintegrator or further conveyor dedicated to the article. The transport container at the designated delivery location is caused to discharge the article from the container under the effect gravity (abstract and column 2 lines 41-47).

D1 differs from what is claimed in claim 1 in that the articles are not expressly identified prior to being put into the container and there is no explicit restriction to one article in each container.

The articles must obviously be identified if they are to be discharged at the correct unloading station. The device and method described in D1 is not limited to a specific field of use. It can however be used in an application requiring several unloading stations (see column 2 lines 41-47). Identifying articles on a conveyor is widely known in the art for example in D2-D5. The skilled person reading D1 understands that some sort of identification is necessary in order to make use of several unloading stations. He is free to choose which criteria to use for this identification as well as the technical equipment most suited. To identify the material of the transported articles is therefore not considered inventive.

To place articles individually in transport containers is known in the art, e.g. in D2. Since the use of the conveyor in D1 is not specified the skilled person may well use it for empty bottles as is shown in D2.

Claim 1 consequently lacks inventive step.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX V

Claim 10 is rejected on the same ground as claim 1.

The remaining claims are considered to involve particular detail executions obvious to a person skilled in the art. Therefore, the invention according to these claims is not considered to involve an inventive step.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claims 7 mention the movement along a circular path. No circular path has been mentioned in any previous claim. The claim is hence ambiguous.

Claim 5 does not contribute any features to the invention beyond what has already been described in claims 3 and 4.